

# EXHIBIT S

# SEAL under fire for writing about bin Laden raid

*After sharing his eyewitness account with Scott Pelley of how Osama bin Laden was killed, a Navy SEAL faces criminal investigation*

2014 CORRESPONDENT  
Nov 02 Scott Pelley *The following is a*

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*script of "Under Fire" which aired on Nov. 2, 2014. Scott Pelley is the correspondent. Henry Schuster, producer.*

When we introduced you to the former Navy SEAL called Mark Owen, two years ago, he told us his riveting first hand account of how Seal Team Six killed Osama bin Laden. It was the tale that he wrote about in his best selling book, "No Easy Day." He told us that he wrote the book to set the record straight and planned to donate most of the profits to charities benefitting families of fallen Navy SEALs. He kept his real name secret expecting to disappear back into the shadows. But that's not how it worked out. This is the story of how one of the men who shot Osama bin Laden came under fire from his fellow SEALs, and his own government, and what he'd like to say now to make amends.

Scott Pelley: You know I wonder how you compare the stress of the last two years to the kind of work you did as a SEAL.

Mark Owen: I would go back overseas today and deal with fighting ISIS face-to-face rather than deal with the last two years again.

The last two years were something Mark Owen never trained for. He's been investigated by the government, excommunicated by the SEAL leadership and inundated with legal bills. All for writing the first eyewitness account of the bin Laden raid, and for being the first SEAL to talk about it publicly, in our interview in 2012.

*[Mark Owen: And then all of the sudden we banked hard 90 degrees and it was very apparent something was wrong.]*



60 MINUTES OVERTIME

A "much wiser" Mark Owen speaks out

Scott Pelley: What do you say to people who believe fervently that you do secret operations for the government, and they stay secret until you die? You don't say anything about them.

Mark Owen: How many former secretaries of defense have written books? How many former generals have written books? How many former SOCOMs, Special Operations commanders, have written books? I'm a nobody, right? I'm a senior-enlisted guy that did 13 straight deployments. Nothing else, nothing. I've sacrificed everything in my life to continue raising my hand volunteering right next to my brothers to continue to go back overseas and do what we could to help. So it's tough.

Scott Pelley: So if it's fair for the generals, it should be fair for the enlisted men too?

Mark Owen: Absolutely.

Those 13 deployments he mentioned include many to Afghanistan and Iraq, plus the bin Laden raid and the famous mission that freed Captain Richard Phillips held hostage by Somali pirates in 2009.

In both of our interviews, we disguised his appearance and his voice for his safety. In 2012 he walked us through the assault on bin Laden's house. Owen told us he was in line right behind the SEAL who shot bin Laden first.



*[Mark Owen: Myself and the next assaulter in, we both engaged him several more times and then rolled off and then continued clearing the room.]*

[Mark Owen: Fired.]

[Scott Pelley: You shot him.]

[Mark Owen: Yeah.]

The SEALS were faceless heroes. That's Owen with the president and vice president. Here he is with the elder George Bush, who's holding a copy of Owen's book, and with the younger President Bush. But even amid the celebrating, over at the Pentagon, there was growing anger because Owen skipped a step that's considered mandatory. He didn't clear the book with government censors. Defense Secretary Leon Panetta fired back on "CBS This Morning."

Scott Pelley: Two days after your first interview ran on 60 Minutes, the Secretary of Defense came on CBS News and said that your book tells our enemies essentially how we operate and what we do to go after them and when you do that, you tip them off.

[Leon Panetta: How the hell can we run sensitive operations here that go after enemies if people are allowed to do that?]

Scott Pelley: Did you do that?

Mark Owen: Did I disclose anything that would've put the guys in harm's way? That's absolutely not what I intended to do. These are my brothers that I served beside for years. And a lot of them continue to serve. These are guys I had, you know, lived and died next to. These are not guys that I would want to sacrifice their security for any reason.

Scott Pelley: One of the things you said in that book was, "If you're looking for secrets, you won't find them here."

Mark Owen: I tried my best, yes, sir.



60 MINUTES: SEGMENT EXTRAS

## Did Mark Owen's book "No Easy Day" give away secrets?

But now, his lawyer tells us Owen is the target of a criminal investigation under the espionage act - looking into whether he gave away valuable secrets. No charges have been filed but eight weeks ago he was questioned for ten hours about the book and our interview.

Scott Pelley: Mark Owen is a member of the team that killed Osama bin Laden. And now he faces criminal investigation. How does that happen?

Bob Luskin: Well, it happens because he got some bad legal advice. He should have submitted the manuscript for "No Easy Day" for prepublication review and he didn't.

Bob Luskin is Mark Owen's current lawyer.

Bob Luskin: And folks in the Defense Department were concerned that it disclosed classified information. And so they're conducting an investigation to see whether he did it with the wrong intent.

Scott Pelley: Was classified information disclosed?

Bob Luskin: Well, I can't discuss that. You know in the Catch-22 world of classified information, you can't talk about what you can't talk about.

And the government won't talk about the investigation either. But we've learned that one area of concern deals with the existence of the SEAL's special night vision goggles, mentioned in the book. Anyone can find the goggles on the manufacturer's website, but just because a secret is out, doesn't mean it isn't still classified.

Owen told us that he skipped the prepublication review on advice of his former lawyer, who had helped other retired Special Operations troops with their books.

Mark Owen: Those books had never, nobody had ever gotten in trouble for them. I went to him and said, "Okay, hey, look, what are my legal obligations?" He said, "Look, you have no legal obligation to get it reviewed. You're a civilian now. I can review it for you. I had no reason to believe otherwise."

Scott Pelley: What do you know now?

Mark Owen: That you're absolutely supposed to get your, any type of manuscript or book reviewed.

Scott Pelley: In this interview, you've acknowledged not following the procedures properly. And I wonder why you think you should not be prosecuted?

Mark Owen: From the beginning, I've always tried to do the right thing. Had we purposely tried to go around what my obligations were, absolutely I should be held accountable. But the fact is I didn't. I hired a lawyer with my own money off to the side because I wanted to do the right thing. I got horrible advice and I've dealt with that for the past two years.

Owen's previous lawyer who helped with the book denies that the legal advice was faulty but he won't comment further. It turns out that the criminal investigation is just the half of it. There is also been an anonymous campaign of retribution apparently from inside the military. One piece

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of indisputably classified information revealed at the time was Owen's real name - leaked to the media before our first interview by persons unknown.

Scott Pelley: What did you have to do for your own personal safety once your name came out?

Mark Owen: Let's just say I fly a little further underneath the radar than I ever have before. I don't want anybody to know where I live. That's not the important piece. I want to be very cautious - security wise. Obviously the world is a crazy place right now: ISIS and plenty of other bad guys out there.

Scott Pelley: When you tried to reach out to your former commander to explain yourself when the first book came out, what happened? How did he react?

Mark Owen: The first thing I wanted to do when I figured out that, "Wow, whoa, this is going to be a little bigger than I thought, There's going to be some issues here," then I want to reach out to my former command and say, "Hey, look, sir, let's discuss. I have nothing to hide. I, you know, let's talk about this." I got a text message back just simply saying, you know, "Delete me."

Scott Pelley: Delete me? What did that mean?

Mark Owen: I take that as he did not want to hear from me or talk with me anymore.



Owen appears to be the only one under investigation even though several people have talked about the raid. Someone, unnamed, revealed details to the New Yorker magazine. There's

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another well informed book by author Mark Bowden. And then there's the movie, "Zero Dark Thirty," which also depicts those night vision goggles, by the way.

The moviemakers met with the acting director of the CIA, senior White House officials and the Pentagon's Under Secretary for Intelligence Mike Vickers. According to this Pentagon transcript, obtained by the group Judicial Watch, Vickers says he will give the screenwriter someone who, quote, "was involved from the beginning as a planner; a SEAL Team Six operator and commander ...The only thing we ask is that you not reveal his name because he shouldn't be talking out of school."

The meeting with the commander was apparently called off after critics accused the administration of revealing too much.

Scott Pelley: I wonder if Mark Owen is being singled out here.

Bob Luskin: Look, the folks on the other side, I think, are honest and well intentioned. And they're trying hard to do a difficult job. But having said that, there's clearly something outlandish about a process as a whole in which people are free to leak classified information to the person who wrote the New Yorker article, to Mark Bowden, to the folks who produced "Zero Dark Thirty." And at the end of the day, the only person who's held accountable is the person who risked his life. It's not fair at all. It's an absurd result.

The best result that Mark Owen can hope for now is to avoid prosecution and reach a settlement that would give the government most of the profits from "No Easy Day." Profits that Owen intended to donate to Navy SEAL charities. Such an agreement is still being negotiated.



60 MINUTES: SEGMENT EXTRAS

## What's happened to the money from the book?

Scott Pelley: Was an apology part of the agreement that you wanted to strike with the government?

Mark Owen: Sure. And it's not that they needed to ask me to get on the media and say, "I'm sorry."

Scott Pelley: Would you like to make that public apology right here right now?

Mark Owen: Yeah, sure. Absolutely. I did not set out to bypass any rules, regulations. I felt that I was doing everything the right way, legally. Obviously, that was a mistake. So no, I'm very sorry about that. And I've proven that we can do things a different way. Which is what we've done with "No Hero."

"No Hero" is his new book, which he did clear with the Pentagon and the censors struck part of it out but the reader can infer this is about Captain Phillips - also the subject of a movie. And then there's "SEAL team blank." Owen is not allowed to use the number "six."

The prologue of the book, called forty names, is a vivid reminder of how much the SEALs have sacrificed in Afghanistan and Iraq.

Mark Owen: They're 40 names in my cell phone contact list that are no longer here.

Scott Pelley: Forty names of people who've been killed?

Mark Owen: Yeah.

Scott Pelley: Why do you keep them in your cell phone contact list?

Mark Owen: How can I delete them? Right? These are friends of mine that I served with, next to, ate dinner with, had a beer with, you name it. And they're no longer here. How can I delete that name out of my phone? I can't.

Scott Pelley: It's like losing them forever.

Mark Owen: Sure.

"No Hero" is about the lessons that Owen learned as a SEAL, usually from failing at things. The most important, he says, came during a rock climbing trip, when he froze 300 feet up. The instructor made his way over to him.

Mark Owen: And he's like, "Hey buddy. Stay in your three-foot world." "What are you, what the hell are you talking about?" He says, "Look, you can't affect anything outside of three feet around you, can you?" I'm like, "Well, no." "So stay in your three-foot world. Look inside your three-foot world, find the next hand hold, and climb your way out." I climbed my way out, and I've applied that analogy to so many things in my life. If I can't affect them, don't worry about it. You can't. People waste so much of their time and-- and effort worrying about things outside of their control. Learn from them, move on, and don't worry about it.

Staying within his three-foot world has helped Mark Owen these last two years. He would still have written "No Easy Day," he told us, but now he says he would have done it by the book.

Scott Pelley: If you are able to reach a settlement of this criminal investigation with the government, what will that mean to you?

Mark Owen: A huge weight off my shoulders. I don't feel as if I've officially moved on and out of the military because I still feel like I'm somewhat under the thumb of this issue. And I would love more than anything to just move past that, move on with my life and figure out what life has in store for me.



**Scott Pelley**

Anchor and Managing Editor, "CBS Evening News;" Correspondent, "60 Minutes"